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Survey of State Homestead Exemptions

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Summary

This report surveys the homestead exemption laws of the fifty states and the District of Columbia with an emphasis on the amount of the various exemptions. It will not be routinely updated.

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Survey of State Homestead Exemptions

Introduction

The form and content of a proposed federal homestead exemption has been a controversial topic in the debate over bankruptcy reform. As Congress takes up the issue in the 109th Congress, many seek to learn what each state currently allows its residents as a homestead exemption, and whether state residents may chose between federal and state exemptions or whether they are limited to those under state law. Although many publications contain comprehensive state homestead surveys, this one is undertaken with the goal of being as up to date as possible. State laws were reviewed on the LEXIS computer database. A notation indicates the currency of the legislative term included in the review of each state's laws.

The survey provides a thumbnail sketch of the character and amount of each state's homestead provision derived from its statutory language. This will enable the reader to appreciate the breadth and variety of state-law approaches to these exemptions. The emphasis, however, is on the *amount* of the exemption – not upon conditions for validating it. The survey does not address whether there is or, if so, the duration of an exemption for proceeds after the sale of a homestead; it also does not address exemptions established by case law for homesteads held as tenancies by the entirety. Nor does it consider provisions under the state laws that constitute *exceptions* to a homestead exemption.

In some cases, *de minimis* “wildcard” exemptions for either real or personal property are noted, but the survey is not comprehensive with respect to them. They are more likely to be noted when a state has an extremely limited homestead exemption.

Table 1. State Homestead Exemptions

State	Description of Property and Amount	Applicability of Federal Exemptions
Alabama Current through 2004 Regular Session	Residential homestead up to \$5,000 (not to exceed 160 acres). Code of Ala. § 6-10-2.	Federal exemptions <i>not</i> permitted. Code of Ala. § 6-10-11.

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Alaska Current through all 2004 Sessions</p>	<p>Principal residence of the individual or the dependents of the individual, not to exceed \$54,000. Alaska Statutes § 9.38.010.</p>	<p>Federal exemptions <i>not</i> permitted. Alaska Statutes § 9.38.055.</p>
<p>Arizona Current through the 2nd Regular and 2nd Special Sess. of the 46th Legislature (2004)</p>	<p>The person's interest in a residential homestead including a condominium, cooperative, or mobile home not to exceed \$150,000. A.R.S. § 33-1101.</p>	<p>Federal exemptions <i>not</i> permitted. A.R.S. § 33-1133.</p>
<p>Arkansas Current through 2004</p>	<p>Rural homestead (outside any city, town, or village): not more than 160 acres of land, not to exceed in value \$2,500, but in no event shall the homestead be reduced to less than 80 acres, without regard to value.</p> <p>Urban homestead (in any city, town, or village): not more than 1 acre of land not to exceed \$2,500 in value, but in no event shall the homestead be reduced to less than 1/4 acre, without regard to value.</p> <p>The homestead inures to the benefit of the minor children, after the demise of the parents. Ark. Const. Art. 9, §§ 4, 5; A.C.A. § 16-66-210.</p> <p>Additional exemption in federal bankruptcy proceedings: An unmarried debtor's aggregate interest, not exceeding \$800 in value, and married debtors' aggregate interest, not exceeding \$1,250 in value, in real or personal property that the debtor or a dependent uses as a residence. A.C.A. § 16-66-218.</p>	<p>Residents may elect federal or state exemptions. A.R.C. § 16-66-217.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>California Current through Chapter 1 of the 2005 Regular Session</p>	<p>The amount of the homestead exemption is:</p> <p>(1) \$50,000 unless the judgment debtor or spouse of the judgment debtor who resides in the homestead is a person described in paragraph (2) or (3).</p> <p>(2) \$75,000 if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale of the homestead a member of a family unit, and there is at least one member of the family unit who owns no interest in the homestead or whose only interest in the homestead is a community property interest with the judgment debtor.</p> <p>(3) \$150,000 if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale of the homestead any one of the following:</p> <p>(A) A person 65 years of age or older.</p> <p>(B) A person physically or mentally disabled and unable to engage in gainful employment.</p> <p>(C) A person 55 years of age or older with a gross annual income of not more than \$15,000 or, if the judgment debtor is married, a gross annual income, including the gross annual income of the judgment debtor's spouse, of not more than \$20,000 and the sale is involuntary.</p> <p>Cal. Code Civ. Proc. § 704.730.</p>	<p>Federal exemptions <i>not</i> permitted. Cal. Civil Proc. Code § 703.130 and § 703.140</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
California cont.	<p><i>See also:</i> Election of exemptions if bankruptcy petition is filed.</p> <p>In a case under Title 11, the debtor's aggregate interest, not to exceed \$17,425 in value, in real property that the debtor or a dependent of the debtor uses as a residence.</p> <p>Cal. Code Civ. Proc. § 703.140.</p>	
Colorado Current through the 2004 Session	A person's homestead (including manufactured homes and trailers) not exceeding in value the sum of \$45,000. C.R.S. 38-41-201.	Federal exemptions <i>not</i> permitted. C.R.S. 13-54-107.
Connecticut Current through January 1, 2005	A homestead to the value of \$75,000. Also, any interest in any property not to exceed in value \$1,000. Conn. Gen. Stat. § 52-352b.	No statutory prohibition. Use of federal exemptions permitted.
Delaware Current through 2004 Regular Session	In any federal bankruptcy or state insolvency proceeding, a debtor is authorized to exempt property having an aggregate fair market value of not more than \$5,000. 10 Del. C. § 4914.	Federal exemptions <i>not</i> permitted. 10 Del. C. § 4914.
District of Columbia Current through the D.C. Register, Nov. 29, 2004	Property of the head of a family or householder residing in the District of Columbia includes the debtor's aggregate interest in real property or a cooperative used as the residence of the debtor. D.C. Code § 15-501(a)(14).	No statutory prohibition. Use of federal exemptions permitted.
Florida Current through the 2004 Legislative Session	A homestead, if located outside a municipality, to the extent of 160 acres of contiguous land and improvements thereon, or if located within a municipality, to the extent of ½ acre of contiguous land. Fla. Const., Art. X § 4 (2004).	With the exception of 11 U.S.C. § 522(d)(10), federal exemptions <i>not</i> permitted. Fla. Stat. §§ 222.20, 222.201.

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Georgia Current through the 2004 General Assembly</p>	<p>The debtor's aggregate interest, not to exceed \$10,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence. O.C.G.A. §§ 44-13-1, 44-13-100.</p>	<p>Federal exemptions <i>not</i> permitted. O.C.G.A. § 44-13-100.</p>
<p>Hawaii Current through the 2003 2nd Special Session</p>	<p>An interest in one parcel of real property of a fair market value not exceeding \$30,000 owned by one who is either the head of a family or an individual sixty-five years of age or older; an interest in one parcel of real property of value not exceeding \$20,000 owned by others. HRS § 651-92.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>Idaho Current through the 2004 Session</p>	<p>Homestead means a dwelling house or mobile home not to exceed the lesser of (i) the total net value of the land and improvements or (ii) \$50,000. Idaho Code § 55-1003.</p>	<p>Federal exemptions <i>not</i> permitted. Idaho Code § 11-609.</p>
<p>Illinois Current through Public Act 93-1080 of the 2004 Regular Session</p>	<p>Every individual is entitled to a homestead to the extent in value of \$7,500 of his or her interest in a farm or lot of land and buildings thereon, a condominium, or personal property, owned or rightly possessed by lease or otherwise and occupied by him or her as a residence, or in a cooperative that owns property that the individual uses as a residence. 735 ILCS 5/12-901.</p>	<p>Federal exemptions <i>not</i> permitted. 735 ILCS 5/12-1201.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Indiana Current through 2004 Regular Session</p>	<p>Real estate or personal property constituting the personal or family residence of the debtor, or a dependent of the debtor, of not more than \$7,500. The exemption is individually available to joint debtors concerning property held by them as tenants by the entireties.</p> <p>Other real estate or tangible personal property \$4,000. Burns Ind. Code Ann. § 34-55-10-2.</p>	<p>Federal exemptions <i>not</i> permitted. Burns Ind. Code Ann. § 34-55-10-1.</p>
<p>Iowa Current through laws effective July 1, 2004</p>	<p>If within a city plat, it must not exceed ½ acre in extent, otherwise it must not contain in the aggregate more than 40 acres, but if, in either case, its value is less than \$500, it may be enlarged until it reaches that amount. Iowa Code § 561.2 (2001).</p>	<p>Federal exemptions <i>not</i> permitted. Iowa Code § 627.10.</p>
<p>Kansas Current through the 2003 Regular Session</p>	<p>A homestead to the extent of 160 acres of farming land, or of one acre within the limits of an incorporated town or city, or a manufactured home or mobile home, occupied as a residence together with all the improvements on the same. K.S.A. § 60-2301.</p>	<p>With the exception of 11 U.S.C. § 522(d)(10), federal exemptions <i>not</i> permitted. K.S.A. § 60-2312.</p>
<p>Kentucky Current through the 2004 1st Extraordinary Session</p>	<p>An individual debtor's aggregate interest, not to exceed \$5,000 in value, in real or personal property that such debtor or a dependent of such debtor uses as a permanent residence. K.R.S. § 427.060.</p> <p>Every debtor shall have a general exemption not to exceed \$1,000 in value to be applied toward any property, real or personal, tangible or intangible in his estate when he has filed for bankruptcy under the provisions of The Bankruptcy Code of 1978. K.R.S. § 427.160</p>	<p>Federal exemptions <i>not</i> permitted. K.R.S. § 427.170.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Louisiana Current through the 2004 Session</p>	<p>The legislature is to provide by law for exemptions from seizure and sale, as well as waivers of and exclusions from such exemptions. The exemption shall extend to at least \$15,000 in value of a homestead, as provided by law. La. Const. Art. XII, § 9.</p> <p>Homestead consists of a residence and the land on which the residence is located, including any building and appurtenances located thereon, and any contiguous tracts up to a total of 5 acres if the residence is within a municipality, or up to a total of 200 acres if the residence is not located in a municipality. Exemption extends to \$25,000 in value of the homestead, except in the case of obligations arising directly as a result of a catastrophic or terminal illness or injury, in which case the exemption applies to the full value of the homestead based upon its value one year before. The exemption provided extends to the surviving spouse or minor children of a deceased owner and when the homestead is occupied as such. La. R.S. 20:1.</p>	<p>Federal exemptions <i>not</i> permitted. La. R.S. 13:3881.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Maine Current through the 2004 Second Session</p>	<p>Except as provided otherwise, the debtor's aggregate interest, not to exceed \$25,000 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, provided that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor's aggregate interest may not exceed \$70,000 and provided further that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of \$35,000 or the product of the debtor's fractional share times \$70,000.</p> <p>The debtor's aggregate interest, not to exceed \$70,000 in value, in property described above, if the debtor or a dependent of the debtor is either a person 60 years of age or older or a person physically or mentally disabled and because of such disability is unable to engage in substantial gainful employment and whose disability has lasted or can be expected to last for at least 12 months or can be expected to result in death; provided that if the debtor's interest is held jointly with any other person or persons, the exemption shall not exceed in value the lesser of \$70,000 or the product of the fractional share of the debtor's interest times \$140,000. 14 M.R.S. § 4422.</p>	<p>Federal exemptions <i>not</i> permitted. 14 M.R.S. § 4426.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Maryland Current through the 2004 First Special Session</p>	<p>Cash or property of any kind equivalent in value to \$6,000 is exempt.</p> <p>In addition, in any proceeding under Title 11 of the United States Code, an individual debtor may exempt the debtor's aggregate interest, not to exceed \$5,000 in value, in real property or personal property. Md. Courts and Judicial Proceedings Code Ann. § 11-504.</p>	<p>Federal exemptions <i>not</i> permitted. Md. Courts and Judicial Proceedings Code Ann. § 11-504.</p>
<p>Massachusetts Current through Ch. 4, 2005 First Annual Session</p>	<p>An estate of homestead to the extent of \$500,000 in land and buildings may be acquired by an owner or owners of a home or one or all who rightfully possess the premise by lease or otherwise and who occupy or intend to occupy said home as a principal residence. Mass. Ann. Laws ch. 188, § 1.</p> <p>The real property or manufactured home of persons sixty-two years of age or older, regardless of marital status, or of a disabled person, as defined, shall be protected against attachment, seizure or execution of judgment to the extent of \$ 500,000. Mass. Ann. Laws ch. 188, § 1A</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Michigan Current through the 2004 Legislation</p>	<p>A homestead not exceeding 40 acres of land and the dwelling house and appurtenances, and not included in any recorded plat, city, or village, or, instead, a quantity of land not exceeding in amount 1 lot, being within a recorded town plat, city, or village, and the dwelling house and appurtenances on that land, owned and occupied by any resident of this state, not exceeding in value \$3,500. If the owner of a homestead dies, leaving a surviving spouse but no children, the homestead shall be exempt, and the rents and profits of the homestead shall accrue to the benefit of the surviving spouse before his or her remarriage, unless the surviving spouse is the owner of a homestead in his or her own right. MCLS § 600.6023.</p> <p>Laws on the exemption of homestead property from levy and execution are applicable to condominium units occupied as homesteads. MCLS § 559.214.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Minnesota Current through 2005 Regular Session Ch. 1</p>	<p>The homestead may include any quantity of land not exceeding 160 acres and not included in any city. If the homestead is in a city, its area must not exceed ½ acre. The value of the homestead exemption, whether the exemption is claimed jointly or individually, may not exceed \$200,000 or, if the homestead is used primarily for agricultural purposes, \$500,000. Minn. Stat. § 510.02.</p>	<p>Except as provided, the exemptions set forth in 11 U.S.C. § 522(d) are available.</p> <p>Joint petition. When a husband and wife are joined in a petition for bankruptcy, they may jointly elect to utilize either the applicable exemption provisions pursuant to Minnesota law or pursuant to subsection (d) of section 522 of the Bankruptcy Act, United States Code, title 11, section 522(d), but not both.</p> <p>Individual petition. When a petition for bankruptcy is filed individually, and not jointly, for a husband or a wife, (a) one spouse shall not claim any exemption pursuant to Minnesota law for a period of three years from the date of filing if the other spouse has claimed any exemption under subsection (d) of section 522 of the Bankruptcy Act, United States Code, title 11, section 522(d); and (b) one spouse shall not claim any exemption pursuant to subsection (d) of section 522 of the Bankruptcy Act, United States Code, title 11, section 522(d), for a period of three years from the date of filing if the other spouse has claimed any exemption pursuant to Minnesota law. Minn. Stat. § 550.371.</p>
<p>Mississippi Current through the 2004 Regular Legislative Session</p>	<p>State householders are entitled to hold exempt from seizure or sale, the land and buildings owned and occupied as a residence by him, or her, but the quantity of land shall not exceed 160 acres, nor the value thereof, inclusive of improvements, the sum of \$75,000. Miss. Code Ann. § 85-3-21.</p>	<p>Federal exemptions <i>not</i> permitted. Miss. Code Ann. § 85-3-2.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Missouri Current through all the 2004 Legislation</p>	<p>The homestead of every person, consisting of a dwelling house and appurtenances, and the land used in connection therewith, not exceeding the value of \$15,000, shall, together with the rents, issues and products thereof, be exempt. § 513.475 R.S.Mo.</p>	<p>Federal exemptions <i>not</i> permitted. § 513.427 R.S.Mo.</p>
<p>Montana Current through the 2003 Regular Session</p>	<p>A homestead may not exceed in value \$ 100,000. Mont. Code Ann. § 70-32-104.</p>	<p>Federal exemptions <i>not</i> permitted. Mont. Code Ann. § 31-2-106.</p>
<p>Nebraska Current through all 2004 Legislation</p>	<p>A homestead not exceeding \$12,500 in value shall consist of the dwelling house in which the claimant resides, its appurtenances, and the land on which the same is situated, not exceeding 160 acres of land, to be selected by the owner, and not in any incorporated city or village, or, a quantity of contiguous land not exceeding 2 lots within any incorporated city or village, and shall be exempt. R.R.S. Neb. § 40-101.</p>	<p>Federal exemptions <i>not</i> permitted. R.R.S. Neb. § 25-15,105.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Nevada Current through the 2004 Special 1st Session</p>	<p>A homestead as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife when that relation exists; Nev. Const. art. 4, § 30.</p> <p>The exemption extends only to that amount of equity in the property held by the claimant that does not exceed \$200,000 in value. Nev. Rev. Stat. Ann. § 115.010.</p> <p>The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$200,000 in value and the dwelling is situate upon lands not owned by him. Nev. Rev. Stat. Ann. § 21.090.</p>	<p>Federal exemptions <i>not</i> permitted. Nev. Rev. Stat. Ann. § 21.090.</p>
<p>New Hampshire Current through the 2004 Regular Session</p>	<p>Every person is entitled to \$100,000 worth of his or her homestead, or of his or her interest therein, as a homestead. The homestead right shall exist in manufactured housing. RSA 480:1.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>New Jersey Current through New Jersey Laws 2004</p>	<p>No specific homestead exemption</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>New Mexico Current through 2004</p>	<p>Each person shall have exempt a homestead in a dwelling house and land occupied by him. Such a person has a homestead of \$30,000 exempt from attachment, execution or foreclosure by a judgment creditor and from any proceeding of receivers or trustees in insolvency proceedings. N.M. Stat. Ann. § 42-10-9.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>New York Current through 2004</p>	<p>Property of one of the following types, not exceeding \$10,000 in value, owned and occupied as a principal residence, is exempt from application to the satisfaction of a money judgment:</p> <ol style="list-style-type: none"> 1. a lot of land with a dwelling thereon, 2. shares of stock in a cooperative apartment corporation, 3. units of a condominium apartment, or 4. a mobile home. <p>NY CLS CPLR § 5206.</p>	<p>Federal exemptions <i>not</i> permitted. NY CLS Dr & Cr § 284.</p>
<p>North Carolina Current through 2004</p>	<p>The debtor's aggregate interest, not to exceed \$10,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence. N.C. Gen. Stat. § 1C-1601.</p>	<p>Federal exemptions <i>not</i> permitted. N.C. Gen. Stat. § 1C-1601.</p>
<p>North Dakota Current through the 2003 Session</p>	<p>The homestead of any person, whether married or unmarried, shall consist of the land upon which the claimant resides, and the dwelling house on that land in which the homestead claimant resides, the total not to exceed \$80,000 in value, over and above liens or encumbrances or both. N.D. Cent. Code, § 47-18-01.</p>	<p>Federal exemptions <i>not</i> permitted. N.D. Cent. Code, § 28-22-17.</p>
<p>Ohio Current through Jan. 1, 2005</p>	<p>A person's interest, not to exceed \$5,000 in one parcel or item of real or personal property that the person or a dependent of the person uses as a residence. O.R.C. Ann. 2329.66.</p>	<p>Federal exemptions <i>not</i> permitted. O.R.C. Ann. 2329.662.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Oklahoma Current through the 2004 Session</p>	<p>The homestead of any person, not within any city or town, shall consist of not more than 160 acres of land, which may be in one or more parcels, to be selected by the owner.</p> <p>The homestead of any person within any city or town, owned and occupied as a residence only, or used for both residential and business purposes, shall consist of not exceeding 1 acre of land. At least 75% of the total square foot area of the improvements for which a homestead exemption is claimed must be used as the principal residence in order to qualify for the exemption. If more than 25% of the total square foot area of the improvements for which a homestead exemption is claimed is used for business purposes, the homestead exemption amount shall not exceed \$5,000. 31 Okl. St. § 2.</p>	<p>Federal exemptions <i>not</i> permitted. 31 Okl. St. § 1.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Oregon Current through 2003 Legislation</p>	<p>A homestead shall be exempt from sale on execution, from the lien of every judgment and from liability in any form for the debts of the owner to the amount in value of \$25,000, except as otherwise provided by law. When two or more members of a household are debtors whose interests in the homestead are subject to sale on execution, the lien of a judgment or liability in any form, their combined exemptions under this section shall not exceed \$33,000. O.R.S. § 18.395.</p> <p>The homestead mentioned in ORS 23.240 shall consist, when not located in any town or city laid off into blocks and lots, of any quantity of land not exceeding 160 acres, and when located in any such town or city, of any quantity of land not exceeding one block. However, a homestead under this section shall not exceed in value the sum of \$25,000 or \$33,000, whichever amount is applicable under O.R.S. 23.240. O.R.S. § 18.402.</p>	<p>Federal exemptions <i>not</i> permitted. O.R.S. § 18.300.</p>
<p>Pennsylvania Current through 2004</p>	<p>No specific homestead provision.</p> <p>In addition to any other property specifically exempted, property of the judgment debtor (including bank notes, money, securities, real property, judgments or other indebtedness due the judgment debtor) to the value of \$ 300 shall be exempt from attachment or execution on a judgment. 42 Pa. C.S. § 8123.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Rhode Island Current through January 2004</p>	<p>Homestead estate exemption – an estate of homestead to the extent of \$200,000 in the land and buildings may be acquired pursuant to this section by an owner or owners of a home or one or all who rightfully possess the premise by lease or otherwise, and who occupy or intend to occupy said home as a principal residence. R.I. Gen. Laws § 9-26-4.1.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>South Carolina Current Through the 2004 Regular Session</p>	<p>The debtor's aggregate interest, not to exceed \$5,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, except that the aggregate value of multiple homestead exemptions allowable with respect to a single living unit may not exceed \$10,000. If there are multiple owners of such a living unit exempt as a homestead, the value of the exemption of each individual owner may not exceed his fractional portion of \$10,000. S.C. Code Ann. § 15-41-30.</p>	<p>Federal exemptions <i>not</i> permitted. S.C. Code Ann. § 15-41-35.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>South Dakota Current through the 2004 Session</p>	<p>The homestead of every family, so long as it continues to possess the character of a homestead is exempt from judicial sale, from judgment lien, and from all mesne or final process from any court, to the extent and as provided in this code. S.D. Codified Laws § 43-31-1.</p> <p>If within a town, the homestead must not exceed 1 acre in extent, and if not within a town, it must not embrace in the aggregate more than 160 acres. If the homestead is claimed upon any land, the title or right of possession to which was acquired or claimed under the laws of the United States relating to mineral lands, then the area of the homestead, if within a town plat, shall not exceed one acre, and if without a town plat it must not exceed 40 acres. S.D. Codified Laws § 43-31-4.</p>	<p>Federal exemptions <i>not</i> permitted. S.D. Codified Laws §§ 43-31-30, 43-45-13.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Tennessee Current through the 2004 Session of the 103rd General Assembly</p>	<p>An individual, whether a head of family or not, shall be entitled to a homestead exemption upon real property which is owned by the individual and used by the individual or the individual's spouse or dependent, as a principal place of residence. The aggregate value of such homestead exemption shall not exceed \$5,000; provided, individuals who jointly own and use real property as their principal place of residence shall be entitled to homestead exemptions, the aggregate value of which exemptions combined shall not exceed \$7,500, which shall be divided equally among them in the event the homestead exemptions are claimed in the same proceeding; provided, if only one (1) of the joint owners of real property used as their principal place of residence is involved in the proceeding wherein homestead exemption is claimed, then the individual's homestead exemption shall be \$5,000. Tenn. Code Ann. § 26-2-301.</p>	<p>Federal exemptions <i>not</i> permitted. Tenn. Code Ann. § 26-2-112.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Texas Current through the 2004 Session</p>	<p>The homestead, not in a town or city, shall consist of not more than 200 acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of a lot or contiguous lots amounting to not more than 10 acres of land, together with any improvements on the land; provided, that the homestead in a city, town or village shall be used for the purposes of a home, or as both an urban home and a place to exercise a calling or business, of the homestead claimant, whether a single adult person, or the head of a family. Tex. Const. Art. XVI § 51.</p> <p><i>See also</i> Tex. Prop. Code § 41.001 (2004) entitled "Interests in Land Exempt from Seizure" describing encumbrances that may be properly fixed on homestead property.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>Utah Current through the 2004 4th Special Session</p>	<p>An individual is entitled to a homestead exemption consisting of property in an amount not exceeding: (i) if the property is not the primary personal residence of the individual, \$5,000 or \$10,000 if owned jointly and (ii) if it is the primary personal residence, \$20,000 in value or \$40,000 if owned jointly.</p> <p>"Primary personal residence" means a dwelling or mobile home and the land surrounding it, not exceeding one acre. Utah Code Ann. § 78-23-3.</p>	<p>Federal exemptions <i>not</i> permitted. Utah Code Ann. § 78-23-15.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>Vermont Current through June 4, 2004</p>	<p>The homestead consisting of a dwelling house, outbuildings and the land used in connection therewith, not exceeding \$75,000 in value, and owned and used or kept as a homestead shall be exempt from attachment and execution. 27 V.S.A. § 101.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>Virginia Current through 2004 Special Session II</p>	<p>Every householder shall be entitled to hold exempt real and personal property, or either, to be selected by the householder, not exceeding \$5,000 in value. In addition, if a householder supports dependents, the householder shall be entitled to hold exempt property not exceeding \$500 in value for each dependent. Va. Code Ann. § 34-4.</p> <p>A veteran with a service-connected disability of 40% or more is entitled to an additional exemption of \$2000 in real or personal property. Va. Code. Ann. §34-4.1.</p>	<p>Federal exemptions <i>not</i> permitted. Va. Code Ann. § 34-3.1.</p>
<p>Washington Current through Chapter 2 of the 2005 Regular Session</p>	<p>A homestead may consist of lands, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, mobile home, improvements, and other personal property or (2) the sum of \$40,000 in the case of lands, mobile home, and improvements. Rev. Code Wash. (ARCW) § 6.13.030.</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>

State	Description of Property and Amount	Applicability of Federal Exemptions
<p>West Virginia Current through the 2004 Third Extraordinary Session of the Legislature</p>	<p>Any husband, wife, parent or other head of a household shall by operation of law have a homestead exemption to the value of \$5,000 subject to the provisions of section 48, article VI of the Constitution of this State. W. Va. Code § 38-9-1.</p>	<p>Federal exemptions <i>not</i> permitted. W. Va. Code § 38-10-4.</p>
<p>Wisconsin Current through 2003 Act 27</p>	<p>An exempt homestead selected by a resident owner and occupied by him or her shall be exempt from liability for the debts of the owner to the amount of \$40,000. Wis. Stat. § 815.20</p>	<p>No statutory prohibition. Use of federal exemptions permitted.</p>
<p>Wyoming Current through 2004 Special Session</p>	<p>Every resident of the state is entitled to a homestead not exceeding \$10,000.00 in value. Wyo. Stat. § 1-20-101.</p>	<p>Federal exemptions <i>not</i> permitted. Wyo. Stat. § 1-20-109.</p>